

An. Code, 1924, sec. 14. 1912, sec. 14. 1904, sec. 14. 1888, sec. 14. 1856, ch. 154, sec. 100.

15. Every deed of real property, when acknowledged and recorded as herein directed, shall take effect as between the parties thereto from its date.

A deed not recorded as provided in sec. 14, does not affect existing creditors, or creditors becoming such between the date of the deed and the date of its record. As to such creditors without notice, the deed is valid and effective only as a contract for the conveyance. Creditors held not to be charged with notice, by possession or otherwise. *Hearn v. Purnell*, 110 Md. 466. And see *Hoffman v. Gosnell*, 75 Md. 590; *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

Although a deed be defectively executed or acknowledged, or not recorded in time, it is effective as between the parties, and against third persons with actual notice. Proof of notice. *Johnson v. Canby*, 29 Md. 211; *Phillips v. Pearson*, 27 Md. 249; *Bryan v. Harvey*, 18 Md. 127; *Williams v. Banks*, 11 Md. 198; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 517; *Winchester v. Baltimore, etc., R. R. Co.*, 4 Md. 231; *Price v. McDonald*, 1 Md. 403; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 381; *Salmon v. Claggett*, 3 Bl. 125; *Gill v. McAttee*, 2 Md. Ch. 256; *Ohio Life Ins. Co. v. Ross*, 2 Md. Ch. 26; *Hudson v. Warner*, 2 H. & G. 415.

Where a mortgage is recorded in due time, a judgment against the mortgagor entered between the date of the deed and the date of its record, binds the equity of redemption only. *Knell v. Green St. Bldg. Assn.*, 34 Md. 70; *Ahern v. White*, 39 Md. 420.

This section referred to as showing the indispensable necessity of registration of deeds. Intent and effect of this section. *Nickel v. Brown*, 75 Md. 186.

This section applied. *Beehler v. Ijams*, 72 Md. 196; *Harding v. Allen*, 70 Md. 398; *Rosenthal v. Maryland Brick Co.*, 61 Md. 594.

See notes to secs. 1 and 14.

An. Code, 1924, sec. 15. 1912, sec. 15. 1904, sec. 15. 1888, sec. 15. 1856, ch. 154, sec. 102.

16. No deed of real property shall be valid for the purpose of passing title unless acknowledged and recorded as herein directed.

Effectiveness of recording deeds, mortgages, etc., not affected by failure of clerk to index same. *Standard Finance Co. v. Little*, 159 Md. 623.

This section referred to in construing art. 45, sec. 1. *U. S. F. & G. Co. v. Shoul*, 161 Md. 428.

Although a deed be defectively executed or acknowledged, or not recorded in time, it is effective as between the parties, and against third persons with actual notice. Proof of notice. *Johnson v. Canby*, 29 Md. 211; *Phillips v. Pearson*, 27 Md. 249; *Bryan v. Harvey*, 18 Md. 127; *Williams v. Banks*, 11 Md. 198; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 517; *Winchester v. Baltimore, etc., R. R. Co.*, 4 Md. 231; *Price v. McDonald*, 1 Md. 403; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 381; *Salmon v. Claggett*, 3 Bl. 125; *Gill v. McAttee*, 2 Md. Ch. 256; *Ohio Life Ins. Co. v. Ross*, 2 Md. Ch. 26; *Hudson v. Warner*, 2 H. & G. 415.

An assignment of a mortgage of a term of more than seven years, if not recorded, is invalid to pass the legal title. *Lester v. Hardesty*, 29 Md. 54.

This section referred to as showing the indispensable necessity of the registration of deeds. *Nickel v. Brown*, 75 Md. 186.

This section referred to in construing secs. 10 and 19. *Brydon v. Campbell*, 40 Md. 336. Cited in *Blanch v. Collison*, 174 Md. 433.

See notes to secs. 1, 14 and 20.

An. Code, 1924, sec. 16. 1912, sec. 16. 1904, sec. 16. 1888, sec. 16. 1825, ch. 203, sec. 1.

17. Where there are two or more deeds conveying the same lands or chattels real, the deed or deeds which shall be first recorded according to law shall be preferred, if made *bona fide* and upon good and valuable consideration. This section to apply to all deeds of mortgage, and to all other deeds or conveyances to the validity of which recording is necessary.

The deeds referred to in this section are those to *bona fide* purchasers. Who are such purchasers? An assignment for the benefit of creditors is not such a deed as is contemplated by this section. *Tyler v. Abergh*, 65 Md. 20. And see *Busey v. Reese*, 38 Md. 267.

The subsequent mortgage first recorded, will not have priority, if notice of a prior mortgage is clearly proved so as to make the transaction fraudulent. Proof held sufficient. *Willard v. Ramsburg*, 22 Md. 217. Cf. *General Ins. Co. v. United States Ins. Co.*, 10 Md. 524; *Clabaugh v. Byerly*, 7 Gill, 361; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 383.

This section applied. Failure of proof of notice of prior mortgage. Evidence. *Swartz v. Chickering*, 58 Md. 294; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 524; *Clabaugh v. Byerly*, 7 Gill, 361; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 383.